REMARKS/ARGUMENTS

Claims 1-10, 17, and 18 are pending in this application. By this Amendment, Applicant AMENDS claims 1 and 6 and CANCELS claims 11-16 and 19.

Applicant greatly appreciates the Examiner's indication that claims 2-4 and 7-9 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Applicant affirms the election of Species A, including claims 1-10, 17, and 18. Further, Applicant reserves the right to file a Divisional Application to pursue Species B, including claims 11-16 and 19.

The Examiner objected to the Drawings for allegedly failing to show "an inductor" as recited in claims 1 and 6 and "an electronic apparatus" of claims 17 and 18.

Applicant has added Fig. 13 to show the feature of "an inductor."

Applicant respectfully submits that Applicant's **Fig. 11** shows an example of an electronic apparatus. Thus, contrary to the Examiner's allegations, Applicant's originally filed Drawings do show "an electronic apparatus" of claims 17 and 18.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection to the Drawings. Applicant's undersigned attorney hereby certifies that no new matter is added by Fig. 13 and that the subject matter shown in Fig. 13 was described in the originally filed application.

Claims 17 and 18 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite.

The Examiner alleged that claims 17 and 18 are indefinite because it is unclear what "an electronic apparatus" is. As noted above, an example of an electronic apparatus is illustrated in **Fig. 11**. Further, an example of an electronic apparatus is described on pages 19 and 20 of the originally filed Specification.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of th rejection of claims 17 and 18 under 35 U.S.C. § 112, second paragraph.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Rinderle

et al. (U.S. 5,732,344). Claims 5, 6, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rinderle et al. Applicant respectfully traverses the rejection of claims 1, 5, 6, and 10.

Claim 1 has been amended to recite:

"An oscillator device comprising:
an oscillation circuit including an NPN oscillation transistor and a buffer amplifier circuit including a PNP buffer amplifier transistor; wherein
the NPN oscillation transistor and the PNP buffer amplifier transistor are connected in series to a power supply;
a collector of the NPN oscillation transistor is connected to a power terminal and is grounded via a capacitor;
a base of the PNP buffer amplifier transistor is grounded via a capacitor;
at least one of a resistor and an inductor is connected between a collector of the PNP buffer amplifier transistor and the ground;
the collector of the PNP buffer amplifier transistor is AC-connected to an output terminal; and
an emitter of the NPN oscillation transistor and an emitter of the PNP buffer amplifier transistor are directly connected." (emphasis added)

Claim 6 has been amended to recite:

An oscillator device comprising:
an oscillation circuit including a PNP oscillation transistor and a buffer amplifier circuit including an NPN buffer amplifier transistor; wherein
the PNP oscillation transistor and the NPN buffer amplifier transistor are connected in series to a power supply;
a collector of the PNP oscillation transistor is connected to a power terminal and is grounded via a capacitor;
a base of the NPN buffer amplifier transistor is grounded via a capacitor;
at least one of a resistor and an inductor is connected between a collector of the NPN buffer amplifier transistor and the ground;
the collector of the NPN buffer amplifier transistor is AC-connected to an output terminal; and
an emitter of the PNP oscillation transistor and an emitter of the NPN buffer amplifier transistor are directly connected." (emphasis added)

Applicant's claim 1 recites th features of "a collector of the NPN oscillation

transistor is connected to a power terminal and is grounded via a capacitor" and "a base of the PNP buffer amplifier transistor is grounded via a capacitor." Applicant's claim 6 recites the features of "a collector of the PNP oscillation transistor is connected to a power terminal and is grounded via a capacitor" and "a base of the NPN buffer amplifier transistor is grounded via a capacitor." With the improved features of claims 1 and 6, Applicant has been able to provide an oscillator device having fewer electronic components and an electronic apparatus including such a novel oscillator device (see, for example, the second full paragraph on page 3 of the Specification).

Applicant has amended claims 1 and 6 to recite the feature of "grounded via a capacitor" instead of the feature "AC-grounded." Rinderle et al. clearly fails to teach or suggest the features of "a collector of the NPN oscillation transistor is connected to a power terminal and is grounded via a capacitor" and "a base of the PNP buffer amplifier transistor is grounded via a capacitor" as recited in Applicant's claim 1 or the features of "a collector of the PNP oscillation transistor is connected to a power terminal and is grounded via a capacitor" and "a base of the NPN buffer amplifier transistor is grounded via a capacitor" as recited in Applicant's claim 6.

Rinderle et al. teaches that the collector of the NPN transistor **T1** is connected to a power terminal + and the **output signal terminal** **OUT**, **NOT** connected to a power terminal and is **grounded via a capacitor** as recited in Applicant's claim 1. Further, Rinderle et al. teaches that the base of the PNP transistor **T2** is connected to a **voltage source**, **NOT** is **grounded via a capacitor** as recited in Applicant's claim 1. Thus, Rinderle et al. fails to teach or suggest the features of "a collector of the NPN oscillation transistor is connected to a power terminal and is grounded via a capacitor" and "a base of the PNP buffer amplifier transistor is grounded via a capacitor" as recited in Applicant's claim 1.

Applicant agrees with the Examiner that Rinderle et al. does not teach that the oscillation transistor is a PNP type transistor and that the buffer amplifier transistor is a NPN transistor. The Examiner has alleg d in the last paragraph on pag 4 of th

outstanding Office Action that "it is old and well known when the polarities of the power supply change, types of transistors must be changed for proper biasing."

The Examiner is reminded that prior art rejections must be based on evidence. Graham v. John Deere Co., 383 U.S. 117 (1966). The Examiner is hereby requested to cite a reference in support of his position that it was well known at the time of Applicant's invention to: a) change the polarity of power supplies; and b) change the type of transistors for the purpose of obtaining proper biasing when the polarity of the power supply is changed. If the rejection is based on facts within the personal knowledge of the Examiner, the data should be supported as specifically as possible and the rejection must be supported by an affidavit from the Examiner, which would be subject to contradiction or explanation by affidavit of Applicant or other persons. See 37 C.F.R. § 1.104(d)(2).

Further, assuming *arguendo* that it was obvious to change the type of transistors, Rinderle et al. clearly fails to teach the features of a collector of the PNP transistor is connected to a power terminal and is grounded via a capacitor" and "a base of the NPN buffer amplifier transistor is grounded via a capacitor" as recited in Applicant's claim 6.

As the Examiner has acknowledged, Rinderle et al. clearly fails to teach or suggest that a collector of a PNP or NPN transistor is grounded via a capacitor. Thus, Rinderle et al. clearly fails to teach or suggest the feature of "a collector of the PNP oscillation transistor is connected to a power terminal and is grounded via a capacitor" as recited in Applicant's claim 6. Further, Rinderle et al. clearly fails to teach or suggest that the base of a PNP or NPN transistor is grounded via a capacitor as recited in Applicant's claim 6. Thus, Rinderle et al. clearly fails to teach or suggest the feature of "a base of the NPN buffer amplifier transistor is grounded via a capacitor" as recited in Applicant's claim 6.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Rinderle et al. and claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Rinderle et al.

Accordingly, Applicant respectfully submits that none of the prior art of record, applied alone or in combination, teaches or suggests the unique combination and arrangement of elements recited in claims 1 and 6 of the present application. Claims 2-5 and 17 depend upon claim 1 and are therefore allowable for at least the reasons that claim 1 is allowable. Claims 7-10 and 18 depend upon claim 6 and are therefore allowable for at least the reasons that claim 6 is allowable.

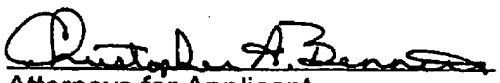
In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a TWO-month extension of time, extending to September 2, 2003, the period for response to the Office Action dated March 31, 2003.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: August 28, 2003



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